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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC

FCC MAIL SECTION

APR - 9 1991

Federal Communications Commission
Office of the Secretary

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in the matter of:

applying the primary responsibility for the content of messages
to the originating station when such messages are repeated verbatim
automatically by a Amateur Radio Station licensed to a third party

RM 7649 ✓

Comments of
David C. Bland, KBØGR
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EXECUTIVE SUMMARY:

The subject petition which fixes the primary responsibility for the content of a repeated message is well taken in principal, however, the licensee of a station originating (voice or data) content which is then repeated, is easily identifiable and should be held solely responsible for the content he originates. This principal should be adopted and applied to all transmissions (voice and data) which are repeated through a station operated by a third party. However, such adoption should in no way prohibit the discretion of the third party licensee whose station is being used as a passive relay device, from exercising preemptive (deletion) control over third party users or their message content.

INTRODUCTION:

I have held a valid amateur radio license since 1957 and a commercial radio license since 1963. Further, I own and operate four VHF repeaters systems in the Kansas City area, and serve as the trustee for an organizational licensee who operates multiple voice repeater systems in two states, as well as an AX.25 node/digipeater in a major metropolitan area. Additionally, I have held numerous elective positions in the amateur community including president of the Missouri Repeater Council, and the Mo-Kan Council of Amateur Radio Clubs, Inc. I also have served as a local government emergency communications coordinator for more than two decades, which duties involve the coordination and supervision of Radio Amateur Civil Emergency Service (RACES) and Amateur Radio Emergency Service (ARES) volunteers. Further, I am an Active Member of the Associated Public-safety Communication Officers (APCO), the Missouri Emergency Preparedness Association, and a Life Member of the American Radio Relay League (ARRL), Quarter Century Wireless Association (QCWA), and the Amateur Radio Satellite Corporation (AMSAT). As a former military communications officer, I am also well versed in the art of radio communication procedures of both civilian and military systems. In addition, I have been a practicing professional communications consultant for nearly 20 years.

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TECHNOLOGICAL ADVANCES vs. RULES

I will not belabor the adverse affect the current FCC Rules and Regulations (R&Rs) have on the continued development of the communication art. It will suffice to point out that significant technological advances has indeed begged commensurate changes in the R&Rs governing the use of such advances. RM 7649 is evidence of the resulting tension between the ever changing technical advances and the attempt to appropriately administer the advances so that they might be utilized to the greatest extent possible.

LICENSE AUTHORITY REQUIRES LICENSEE RESPONSIBILITY

The acceptance and use of an Amateur Radio operator's license by an individual is that individual's acknowledgement of his obligation to know the rules and to operate his station in accordance with those rules. Operating one's station includes the necessity of each licensee to assure that the content of his messages, whether voice or otherwise, be in accordance with the applicable R&Rs. The concept of such a responsibility is well established and is without challenge or objection.

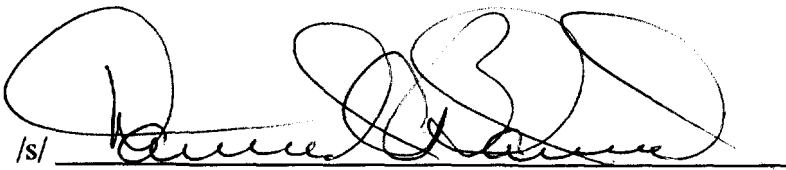
In our culture, it is an accepted assumption that when an individual utters a word or scribes an idea, that individual is responsible for such words or content. In some cases, such content may be inflammatory, ill considered or, perhaps, libelous. When other individuals repeat such words or ideas without properly ascribing the originating source of the words or ideas (ie. content), they too accept the responsibility of purveying such content and, depending upon the content, the possible actions others might take as a result of the "content" which they disseminate (ie. shouting or repeating "Fire" in a crowded theater, etc).

The analogy should likewise be applied to the legitimate option of the repeater licensee to control (delete) the content repeated (reported) in much the same manner as a news editor selects or deletes a story from his newscast or newspaper edition. It must be remembered that the individual licensee is allowing his personally acquired station to be used by others, therefore he should retain the right to control it. In this manner the individual repeater licensee is allowed to continue to exercise the art of good amateur communication practice.

RECOMMENDATION

The Commission is very strongly urged to adopt the position that the licensee of the station originating voice or data content which is then automatically repeated (unadulterated), be held solely responsible for the content it originates. Additionally, this principal should in no way prevent the licensee of a voice or data repeater station from deleting such content from further repetition.

Respectfully submitted,


/s/ David C. Bland, KBØGR 4 April, 1991